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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 08-0884 VRW
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER EXCLUDING TIME FROM
v.	)	SPEEDY TRIAL ACT CALCULATION
	)	(18 U.S.C. § 3161(h)(8)(A))
JOSEPH WILLIS, JR.,	)	
	)	
Defendant.	)	

With the agreement of the parties, and with the consent of defendant Joseph Willis, Jr., the Court enters this order documenting defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from February 12, 2009, to February 19, 2009. The parties agree, and the Court finds and holds, as follows:

1. Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defendant's counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case and also would unreasonably deny defendant continuity of counsel. Defendant's current counsel, Mr. Kalar, has just now identified a conflict of interest that prevents him from continuing to represent defendant. Mr. Kalar's office is in the process of identifying and designating a

1 Criminal Justice Act attorney who can be appointed to represent defendant. At defendant's  
2 request, the Court placed defendant on the duty magistrate calendar on February 19 for  
3 identification of his new counsel. Defendant and his new attorney will then appear before this  
4 Court on that same afternoon for a status hearing.

5 2. Given these circumstances, the Court found that the ends of justice served by  
6 excluding the period from February 12, 2009, to February 19, 2009, outweigh the best interest of  
7 the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

8 3. Accordingly, and with the consent of the defendant, at the hearing on February 12,  
9 2009, the Court ordered that the period from February 12, 2009, to February 19, 2009, be  
10 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

11 IT IS SO STIPULATED.

12  
13 DATED: February 17, 2009

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/s/  
STEVEN G. KALAR  
Attorney for Defendant

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16 DATED: February 13, 2009

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/s/  
ANDREW P. CAPUTO  
Assistant United States Attorney

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19 IT IS SO ORDERED.

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21 DATED: February 24, 2009

